

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID FRAKER,

Plaintiff,

v.

Case No.: 1:18-cv-01444

HON. PAUL L. MALONEY

CITY OF GRAND RAPIDS,
a Michigan Municipal Corporation,

Defendant.

DAVID FRAKER, *in pro per*
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EXHIBIT 2

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AFFIDAVIT OF FLOYD CALLENDER

STATE OF MICHIGAN)
)ss
COUNTY OF KENT)

I, Floyd Callender, make these statements below of my own personal knowledge and, if called upon, can testify truthfully and accurately to the following matters:

1. I worked for the City of Grand Rapids from 1987 to my retirement in May 2017. I was a Tree Trimmer II at the time of my retirement and while David Fraker worked in my department.
2. Among my responsibilities as a Tree Trimmer II, I served as lead worker for my crew charged with the care and maintenance of city owned trees and the removal of damaged trees and limbs from various City areas. My job included instructing Tree Trimmer I employees in the performance of their essential functions which included, among other things, pruning, trimming, and removing trees, trimming and clearing storm-damaged

branches, trimming branches from overhead wires, clearing brush, and operating all necessary equipment such as chain saws, power saws, hand saws, pole saws, bobcats, chippers, and other City vehicles. Safe performance of these functions and safe operation of this equipment required the full use of both hands at all times.

3. I served as lead worker while David Fraker was on my crew on several occasions in the short time that he worked as a Tree Trimmer I for the City.
4. Mr. Fraker often exhibited an attitude that he knew more than anyone he was working with. He was not a good listener and resisted taking direction and often ignored my direct instructions.
5. For example, on one occasion I saw Mr. Fraker rushing to throw brush from an aerial bucket onto the ground without giving his co-workers warning or time to get out of the way. This put his co-workers at risk. I advised Mr. Fraker that this was unsafe and I instructed him to slow down and pay attention. He continued to throw brush regardless of my instruction.
6. On another occasion, Mr. Fraker engaged in a technique known as "bore-cutting" to fell a tree. The City does not use this technique and I told Mr. Fraker that it was not to be used on this site. He argued with me [in front of the rest of the crew] and did not take my criticism well. As a result, I reported his behavior to our supervisor, Forester, Dan Coy, along with his general resistance to instruction.
7. Our work is team-oriented. When employees are deployed to a jobsite to work as a team, everyone must be on the same page with the way things are being done to ensure the safety of the team and by-standers.
8. Although Mr. Fraker did not work on my crew for long, due to his injury, in the time that I did work with him, I felt that he did not work well with the team and that, in fact, he thought that the rest of us were beneath him. I also felt he presented a safety risk to the team as he pretty much insisted on doing things his way, at his speed, regardless of our normal practices.

Further, affiant sayeth not.

By: Floyd Callender
Floyd Callender
City of Grand Rapids

Subscribed and sworn to before me
this 9th day of March 2020.

Tonya Voakes
Tonya Voakes, Notary Public
Kent County, Michigan
My Commission Expires: 1/23/21
Acting in Kent County

